

REMARKS

Claims 1-10 and 12-20 were pending and examined in the Office Action dated May 29, 2007. Claims 1-10 and 12-20 were rejected in that Office Action. No claims have been added, modified or deleted by this Response. Applicant respectfully requests reconsideration of this application.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 7, 8, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Voit (U.S. Patent No. 6,104,711) in view of Voit (U.S. Patent No. 6,075,783). To establish a prima facie case of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims – MPEP § 2142. The Examiner's reliance on one having ordinary skill in the art to include elements missing from the cited references (such as a second gateway) is inappropriate. Similarly, the Examiner's statements that "One of ordinary skill would realize the economic benefit ..." and that it "would have been obvious to one of ordinary skill in the art..." to combine the teachings of Voit '711 and Voit '783 are conclusory, without support and insufficient to carry the Office's burden under § 103. Furthermore, it is the burden of the Examiner to apply each of the elements of Graham, including identifying the level ordinary skill in the art, which has not been done -- see MPEP §§ 2141, 2141.03.

As the Examiner acknowledges, the Voit '711 patent fails to teach Applicant's claimed base station. The Examiner's combination of Voit '783's Mobile Switching Office with the disclosed system of Voit '711 is inappropriate and does not teach Applicant's claimed system. Even if the Voit '783's Mobile Switching Office was equivalent to Applicant's base station, which it is not, there is nothing cited in the Office Action, nor has Applicant found, that either the Voit '711 or the Voit '783 patents teach "a source interface device adapted to receive voice data packets, of a specified format, from the base station of the source system and to reformat voice data packets...", as

recited in Applicant's independent claims 1 and 8. In addition, the Examiner has used the same element 49 (FIG. 1) of Voit '711 as both the source system and the destination system, which is improper since the elements are different devices in Applicant's specification and claims. Accordingly, Applicant respectfully submits that the rejection of Applicant's independent claim 1 (and its dependent claims 2, 7, 13 and 14) and independent claim 8 under § 103 is improper and should be withdrawn.

Claims 3, 4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Voit '711 in view of Voit '783 and further in view of Farris et al. (U.S. Patent No. 6,125,113). Applicant has herein shown the fallacy of the Examiner's application of the Voit '711 patent in combination with the Voit '783 patent to Applicant's independent claim 1, from which claims 3, 4 and 6 depend. The Farris '113 patent does nothing to correct the deficiencies of the Voit '711 and Voit '783 patents. In addition, the Examiner is using impermissible hindsight to combine the Farris '113 patent with the teachings of the Voit '711 and Voit '783 patents. Furthermore, there is no indication that the bits and pieces that the Examiner attempts to extract from the Farris '113 patent will work with the improperly combined Voit '711 and Voit '783 patents to provide the recited structure and perform the functions claimed by Applicant in dependent claims 3, 4 and 6.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Voit '711 in view of Voit '783 in view of Farris '113 and further in view of Krishnaswamy et al. (U.S. Patent 5,867,494). Applicant has herein shown the fallacy of the Examiner's application of the Voit '711 patent in combination with the Voit '783 and Farris '113 patents to Applicant's independent claim 1 and dependent claim 4, from which claim 5 depends. The Krishnaswamy '494 patent does nothing to correct the deficiencies of the Voit '711, Voit '783 and Farris '113 patents. In addition, the Examiner is using impermissible hindsight to combine the Krishnaswamy '494 patent with the teachings of the Voit '711, Voit '783 and Farris '113 patents. Furthermore, there is no indication that the structure and function for long distance calls allegedly taught by the Krishnaswamy '494 patent will work with the improperly combined Voit '711, Voit '783 and Farris '113

patents to provide the recited structure and perform the functions claimed by Applicant in dependent claim 5.

Claims 9, 10, 12 and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farris `113 in view of Krishnaswamy `494. The Examiner is again respectfully reminded that to maintain a rejection of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims. Farris `113 does not teach each and every element of Applicant's independent claims 9, 15 and 18. Again, the Examiner's reliance on one having ordinary skill in the art to fill in the missing features of Applicant's claims is improper. Likewise, there is insufficient basis to combine the teachings of Krishnaswamy `494 with those of Farris `113.

Regarding claim 9, item 72 of FIG. 14 in Farris `113 that the Examiner improperly determines to be a "destination gateway" is not "adapted to receive the voice data packets from the source gateway over the IP packet-switched network, to convert the voice data packets into voice data and to route the voice data to the destination system" as currently claimed. Krishnaswamy `494 does not cure this deficiency in Farris `113.

Applicant's claims 15 and 18 recite "a first switching office" and "a first switching office" configured to transmit and receive voice data from the first wireless personal communication device. Applicant has not found a disclosure of a first and second switching center in either the Farris `113 or Krishnaswamy `494 patents. Accordingly, Applicant respectfully submits that the rejection of independent claims 9, 15 and 18 (and their dependent claims 10, 12, 14, 16, 17, 19 and 20) under § 103 is improper and should be withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that presently pending claims 1-10 and 12-20 are in condition for allowance, and that the application should be passed to issue.

Respectfully submitted,

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